

CHAPTER 243  
FORMERLY  
HOUSE BILL NO. 266

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE REFUND OF FINES UPON REVERSAL OF CONVICTION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 4103, Title 11 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strikethrough as follows:

(a) The State Treasurer shall remit to each person, or to the attorney of such person, who has paid a fine upon a conviction which was later set aside by a court of higher jurisdiction upon a certiorari or appeal from the lower court.

(b) The State Treasurer shall pay the refund upon proper voucher drawn by the person, or by the attorney of such person, upon whom the fine was originally imposed when the voucher is accompanied by a certificate of the Prothonotary of any of the several counties showing that the conviction of the lower court upon which the fine was imposed has been set aside by a higher court.

(c) The State Treasurer shall remit the amount of any fine or costs to each person, or the attorney of such person, who has paid a fine upon conviction before a justice of the peace, which conviction was later set aside by the same Justice of the Peace Court. The State Treasurer shall pay such refund upon proper voucher drawn by such person, or by the attorney of such person, upon whom the fine was originally imposed when the voucher is accompanied by a certified copy of the docket entries of the case in the Justice of the Peace Court showing the setting aside of the conviction, together with the certificate of the Clerk of the Justice of the Peace Court, ~~together with the certificate of the Chief Justice of the Supreme Court of the State verifying the final disposition of the case and stating that the remittance of the fine or costs to such a person is proper or the certificate of the Deputy Administrator for the Justice of the Peace Courts acting as agent for the Chief Justice of the Supreme Court of the State in verifying the final disposition of the case, and stating that the remittance of the fine or costs to such person is proper.~~

(d) The State Treasurer shall remit the amount of any fine or costs to each person, or the attorney of such person, who has paid a fine upon conviction in the Court of Common Pleas, which conviction was later set aside by the Court of Common Pleas. The State Treasurer shall pay such refund upon proper voucher drawn by such person, or by the attorney of such person, upon whom the fine was originally imposed when the voucher is accompanied by a certified copy of the docket entries of the case in the Court of Common Pleas showing the setting aside of the conviction together with the certificate of the Clerk of the Court of Common Pleas verifying the final disposition of the case and stating that the remittance of the fine or costs to such person is proper.

Approved May 21, 2012